

## REMARKS

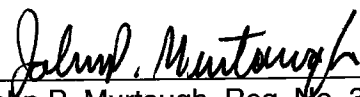
Applicant's counsel thanks the Examiner for the careful consideration given the application. Claims 8 and 22 have been amended to more clearly define the claimed invention. Support for the amendments can be found in the Specification at page 5, lines 21-27.

Claims 8 and 22 claim a method of using a soybean oil emulsion with a fungicide agent. The pending claims have been rejected under Section 103 as obvious over Bratescu, et al. (US 6528070) in view of Narayanan, et al. (US 5176736). Reading these two references in combination, they do not suggest that there would be any synergistic effect in combining a soybean oil emulsion with a fungicide agent. Surprisingly and unexpectedly, the present inventors have discovered that when soybean oil emulsion is combined with fungicide agent, there is a surprisingly and unexpectedly good synergistic effect. Attached hereto is a Declaration signed by Alberto Sardo, the President of the Board of Xeda International SA; Xeda International SA is the present assignee of record of the present patent application. As can be seen from the attached Declaration, certain experiments were conducted, which demonstrate the surprising and unexpected results of the present invention. Specifically, in Paragraph 6 of the Declaration, the results of certain tests are reported. In the tests, a fungicide agent was tested by itself (in the first example, see that Mancozeb was tested at a level of 1470 g or ml/ha); then the fungicide agent was tested in combination with soybean oil emulsion (in the first example, see that Mancozeb at 490 g or ml/ha was combined with the soybean oil emulsion at 280 g or ml/ha). Surprisingly and unexpectedly, the soybean oil emulsion improved the efficiency of the fungicide agent. As shown by the results in Paragraph 6, the application of a water emulsion comprising soybean oil allowed a significant reduction of the dose of the fungicide applied (to 1/3 of the reference dose), while maintaining the same level of fungicide activity. (For example, in the first test, the level of Mancozeb was reduced from 1470 g or ml/ha to 490 g or ml/ha (a 2/3 reduction), while the effectiveness was the same or better). These surprisingly and unexpectedly good results were not taught or suggested in the prior art references. Bratescu and Narayanan both fail to suggest that applying a composition comprising soybean oil in water emulsion with a substance having a fungicidal activity will result in a synergistic fungicidal activity. Applicants have found that, surprisingly and unexpectedly, the present invention as set forth in the claims results in synergistic fungicidal activity. For these reasons, it is clear that the claims as now presented are non-obvious and are patentable and are in condition for allowance, which is respectfully requested. The dependent claims depend

from allowable base claims and are accordingly allowable based on their dependency. A Notice of Allowance is accordingly respectfully requested.

If any further fees are required by this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. LAVO-37109.

Respectfully submitted,  
PEARNE & GORDON LLP

By   
John P. Murtaugh, Reg. No. 34226

1801 East 9<sup>th</sup> Street, Suite 1200  
Cleveland, OH 44114-3108  
Phone: 216-579-1700

Date: 4-28-09